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7

8  
**UNITED STATES DISTRICT COURT**  
9  
**CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

10  
11 LINDA COOPER, Individually, And  
On Behalf of The Estate of Decedent,  
12 ELINA QUINN BRANCO,

13 Plaintiff,

14 v.

15 COUNTY OF SAN LUIS OBISPO, a  
governmental entity, form unknown;  
16 SIERRA MENTAL WELLNESS  
GROUP, a California Non-Profit  
Corporation; JASON HOOSON,  
17 individually, SAVANNAH  
WILLIAMS, individually; JOSH  
SIMPSON, individually; BONNIE  
18 SAYERS, individually; JULIA TIDIK,  
individually; BETHANY AURIOLES,  
19 individually; JANET BROWN,  
individually, SHELL WATSON,  
20 individually; DOES 1 through 10,  
inclusive,

21 Defendants.  
22

Case No. 2:24-cv-08187-DDP-AJR  
The Hon. Dean D. Pregerson  
Magistrate Judge A. Joel Richlin

**ANSWER OF BONNIE SAYERS TO  
PLAINTIFF'S COMPLAINT FOR  
DAMAGES AND DEMAND FOR  
JURY TRIAL**

Trial Date: None

24 COMES NOW Defendant BONNIE SAYERS ("Defendant") and hereby  
25 submits this Answer ("Answer") to Plaintiff LINDA COOPER's, Individually, and  
on Behalf of the Estate of Decedent, ELINA QUINN BRANCO ("Plaintiff")  
26 Complaint for Damages, ("Complaint"). The numbered paragraphs in this Answer  
27 ///

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1 correspond to the numbered paragraphs of the Complaint. Any allegation that is not  
2 specifically admitted is denied. Defendant answers as follows:

## **ANSWER TO COMPLAINT**

4       1. Paragraph 1 contains conclusions of law with respect to the legal  
5 capacity of Plaintiff to bring the claims on the decedent's behalf, to which no  
6 response is required. To the extent a response is required, Defendant lacks sufficient  
7 knowledge or information to form a belief about the allegations in this paragraph,  
8 and on that basis denies them.

9       2. Defendant admits that, on information and belief, decedent Elina Quinn  
10 Branco was a client at San Luis Obispo Crisis Stabilization Unit operated by Sierra  
11 Mental Wellness Group. The remainder of this paragraph contains conclusions of  
12 law with respect to the parties named as Defendants and the causes of action against  
13 them to which no response is required. To the extent a response is required,  
14 Defendant denies all allegations not specifically admitted herein.

15       3.     Defendant denies the allegations in paragraph with respect to  
16 Defendant.

17       4.     Defendant admits that the action is purportedly brought under the U.S.  
18 Constitution, 42 U.S.C. § 1983, and under state statutes. Defendant denies that the  
19 death of decedent was caused by any action or omission of Defendant.

20       5.     Defendant lacks sufficient knowledge or information to form a belief  
21 about the allegations in this paragraph, and on that basis denies them.

22       6.     Defendant lacks sufficient knowledge or information to form a belief  
23 about the allegations in this paragraph, and on that basis denies them.

24       7. Defendant lacks sufficient knowledge or information to form a belief  
25 about the allegations in this paragraph, and on that basis denies them.

26 || 8. Defendant admits the allegations in this paragraph.

27       9.     Defendant admits that the decedent was a client at the Crisis  
28 Stabilization Unit operated by Sierra Mental Health Wellness Group.

1       10. Defendant admits the allegations in this paragraph.

2       11. Defendant lacks sufficient knowledge or information to form a belief  
3 about the allegations in this paragraph, and on that basis denies them.

4       12. Defendant admits the allegations in this paragraph.

5       13. Defendant admits the allegations in this paragraph on information and  
6 belief.

7       14. Defendant admits the allegations in this paragraph on information and  
8 belief.

9       15. Defendant lacks sufficient knowledge or information to form a belief  
10 about the allegations in this paragraph, and on that basis denies them.

11       16. Defendant lacks sufficient knowledge or information to form a belief  
12 about the allegations in this paragraph, and on that basis denies them.

13       17. Defendant lacks sufficient knowledge or information to form a belief  
14 about the allegations in this paragraph, and on that basis denies them.

15       18. Defendant lacks sufficient knowledge or information to form a belief  
16 about the allegations in this paragraph, and on that basis denies them.

17       19. Defendant admits Ms. Brown was employed by Sierra Mental Wellness  
18 Group as a licensed psychiatric technician at the time of the alleged incident. The  
19 remainder of the paragraph contains conclusions of law to which no response is  
20 required. Defendant denies all remaining allegations not specifically admitted  
21 herein.

22       20. Defendant admits Defendant was employed by Sierra Mental Wellness  
23 Group at the time of the alleged incident. The remainder of the paragraph contains  
24 conclusions of law to which no response is required. Defendant denies all remaining  
25 allegations not specifically admitted herein.

26       21. Defendant lacks sufficient knowledge or information to form a belief  
27 about the allegations in this paragraph, and on that basis denies them.

28       ///

1       22. Defendant lacks sufficient knowledge or information to form a belief  
2 about the allegations in this paragraph, and on that basis denies them.

3       23. Defendant lacks sufficient knowledge or information to form a belief  
4 about the allegations in this paragraph, and on that basis denies them.

5       24. Defendant denies the allegations in this paragraph.

6       25. Defendant lacks sufficient knowledge or information to form a belief  
7 about the allegations in this paragraph, and on that basis denies them.

8       26. This paragraph contains conclusions of law with respect to fictitiously  
9 named defendants, to which no response is required. To the extent a response is  
10 required, Defendants lack sufficient knowledge or information to form a belief about  
11 the truth of the background allegations in this paragraph, and therefore deny them.

12       27. This paragraph contains conclusions of law with respect to fictitiously  
13 named defendants, to which no response is required. To the extent a response is  
14 required, Defendants lack sufficient knowledge or information to form a belief about  
15 the truth of the background allegations in this paragraph, and therefore deny them.

16       28. This paragraph contains conclusions of law to which no response is  
17 required. To the extent a response is required, Defendants lack sufficient knowledge  
18 or information to form a belief about the truth of the background allegations in this  
19 paragraph, and therefore deny them.

20       29. Defendant lacks sufficient knowledge or information to form a belief  
21 about the allegations in this paragraph, and on that basis denies them.

22       30. Defendant lacks sufficient knowledge or information to form a belief  
23 about the allegations in this paragraph, and on that basis denies them.

24       31. Defendant lacks sufficient knowledge or information to form a belief  
25 about the allegations in this paragraph, and on that basis denies them.

26       32. Defendant lacks sufficient knowledge or information to form a belief  
27 about the allegations in this paragraph, and on that basis denies them.

28       ///

1       33. Defendant lacks sufficient knowledge or information to form a belief  
2 about the allegations in this paragraph, and on that basis denies them.

3       34. Defendant lacks sufficient knowledge or information to form a belief  
4 about the allegations in this paragraph, and on that basis denies them.

5       35. Defendant lacks sufficient knowledge or information to form a belief  
6 about the allegations in this paragraph, and on that basis denies them.

7       36. Defendant lacks sufficient knowledge or information to form a belief  
8 about the allegations in this paragraph, and on that basis denies them.

9       37. Defendant lacks sufficient knowledge or information to form a belief  
10 about the allegations in this paragraph, and on that basis denies them.

11       38. Defendant lacks sufficient knowledge or information to form a belief  
12 about the allegations in this paragraph, and on that basis denies them.

13       39. Defendant lacks sufficient knowledge or information to form a belief  
14 about the allegations in this paragraph, and on that basis denies them.

15       40. Defendant lacks sufficient knowledge or information to form a belief  
16 about the allegations in this paragraph, and on that basis denies them.

17       41. Defendant lacks sufficient knowledge or information to form a belief  
18 about the allegations in this paragraph, and on that basis denies them.

19       42. Defendant lacks sufficient knowledge or information to form a belief  
20 about the allegations in this paragraph, and on that basis denies them.

21       43. Defendant lacks sufficient knowledge or information to form a belief  
22 about the allegations in this paragraph, and on that basis denies them.

23       44. Defendant lacks sufficient knowledge or information to form a belief  
24 about the allegations in this paragraph, and on that basis denies them.

25       45. Defendant lacks sufficient knowledge or information to form a belief  
26 about the allegations in this paragraph, and on that basis denies them.

27       46. Defendant lacks sufficient knowledge or information to form a belief  
28 about the allegations in this paragraph, and on that basis denies them.

1       47. Defendant lacks sufficient knowledge or information to form a belief  
2 about the allegations in this paragraph, and on that basis denies them.

3       48. Defendant admits Hoosan “handed off” the decedent to staff at the  
4 Crisis Stabilization Unit. All other allegations not specifically admitted herein are  
5 denied.

6       49. Defendant lacks sufficient knowledge or information to form a belief  
7 about the allegations in this paragraph, and on that basis denies them.

8       50. Defendant lacks sufficient knowledge or information to form a belief  
9 about the allegations in this paragraph, and on that basis denies them.

10      51. Defendant admits a shift change occurred at approximately 7:30 p.m.  
11 wherein Defendant started her shift.

12      52. Defendant lacks sufficient knowledge or information to form a belief  
13 about the allegations in this paragraph, and on that basis denies them.

14      53. Defendant lacks sufficient knowledge or information to form a belief  
15 about the allegations in this paragraph, and on that basis denies them.

16      54. Defendant lacks sufficient knowledge or information to form a belief  
17 about the allegations in this paragraph, and on that basis denies them.

18      55. Defendant denies the allegations in this paragraph as to Defendant. As  
19 to the other Defendants, Defendant lacks sufficient knowledge or information to  
20 form a belief about the allegations in this paragraph, and on that basis denies them.

21      56. Defendant lacks sufficient knowledge or information to form a belief  
22 about the allegations in this paragraph, and on that basis denies them.

23      57. Defendant lacks sufficient knowledge or information to form a belief  
24 about the allegations in this paragraph, and on that basis denies them.

25      58. Defendant lacks sufficient knowledge or information to form a belief  
26 about the allegations in this paragraph, and on that basis denies them.

27      59. Defendant admits she spoke with someone who was purportedly the  
28 decedent’s mother the morning of May 16<sup>th</sup>, and that Defendant communicated that

1 everyone was still sleeping. Defendant lacks sufficient knowledge or information to  
2 form a belief about the remaining allegations in this paragraph, and on that basis  
3 denies them.

4       60. Defendant admits she spoke with someone who was purportedly the  
5 decedent's mother the morning of May 16<sup>th</sup>, and that Defendant communicated that  
6 everyone was still sleeping. Defendant lacks sufficient knowledge or information to  
7 form a belief about the remaining allegations in this paragraph, and on that basis  
8 denies them.

9       61. Defendant lacks sufficient knowledge or information to form a belief  
10 about the allegations in this paragraph, and on that basis denies them.

11       62. Defendant denies the allegations in this paragraph.

12       63. Defendant denies the allegations in this paragraph.

13       64. Defendant lacks sufficient knowledge or information to form a belief  
14 about the allegations in this paragraph, and on that basis denies them.

15       65. Defendant denies the allegations in this paragraph.

16       66. Defendant denies the allegations in this paragraph.

17       67. Defendant denies the allegations in this paragraph.

18       68. Defendant denies the allegations in this paragraph.

19       69. Defendant admits she spoke with someone who was purportedly the  
20 decedent's mother the morning of May 16<sup>th</sup>, and that Defendant communicated that  
21 everyone was still sleeping. Defendant denies all other allegations in this paragraph.

22       70. Defendant lacks sufficient knowledge or information to form a belief  
23 about the allegations in this paragraph, and on that basis denies them.

24       71. Defendant admits the allegations in this paragraph.

25       72. Defendant lacks sufficient knowledge or information to form a belief  
26 about the allegations in this paragraph, and on that basis denies them.

27       ///

28       ///

1       73. Defendant admits that the decedent, on information and belief, was  
2 admitted to the Crisis Stabilization Unit as a 5150 hold. The remaining allegations in  
3 this paragraph contains conclusions of law, to which no response is required.

4       74. Defendant lacks sufficient knowledge or information to form a belief  
5 about the allegations in this paragraph, and on that basis denies them.

6       75. Defendant lacks sufficient knowledge or information to form a belief  
7 about the allegations in this paragraph, and on that basis denies them.

8       76. Defendant lacks sufficient knowledge or information to form a belief  
9 about the allegations in this paragraph, and on that basis denies them.

10      77. Defendant lacks sufficient knowledge or information to form a belief  
11 about the allegations in this paragraph, and on that basis denies them.

12      78. Defendant lacks sufficient knowledge or information to form a belief  
13 about the allegations in this paragraph, and on that basis denies them.

14      79. Defendant lacks sufficient knowledge or information to form a belief  
15 about the allegations in this paragraph, and on that basis denies them.

16      80. Defendant lacks sufficient knowledge or information to form a belief  
17 about the allegations in this paragraph, and on that basis denies them.

18      81. The allegations in this paragraph contains conclusions of law, to which  
19 no response is required.

20      82. Defendant lacks sufficient knowledge or information to form a belief  
21 about the allegations in this paragraph, and on that basis denies them.

22      83. Defendant denies the allegations incorporated into this paragraph to the  
23 extent they are denied elsewhere herein. Defendant denies any allegation not  
24 specifically admitted.

25      84. Defendant denies she made intentional decisions not to monitor the  
26 decedent for signs of medical distress. Defendant denies she made intentional  
27 decisions to falsify the decedent's monitoring logs. Defendant lacks sufficient  
28 knowledge or information to form a belief about the remaining allegations in this

1 paragraph, and on that basis denies them.

2       85. Defendant denies the allegations in this paragraph.

3       86. Defendant denies the allegations in this paragraph.

4       87. Defendant denies the allegations in this paragraph.

5       88. Defendant denies the allegations in this paragraph.

6       89. Defendant denies the allegations in this paragraph.

7       90. Defendant denies the allegations in this paragraph.

8       91. The allegations in this paragraph contains conclusions of law, to which  
9 no response is required. To the extent a response is required, Defendant denies she is  
10 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,  
11 or any of the relief sought thereon.

12       92. Defendant denies the allegations incorporated into this paragraph to the  
13 extent they are denied elsewhere herein. Defendant denies any allegation not  
14 specifically admitted.

15       93. The allegations in this paragraph contains conclusions of law, to which  
16 no response is required. To the extent a response is required, Defendant denies she is  
17 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,  
18 or any of the relief sought thereon.

19       94. Defendant denies the allegations in this paragraph.

20       95. Defendant lacks sufficient knowledge or information to form a belief  
21 about the allegations in this paragraph, and on that basis denies them.

22       96. Defendant denies the allegations in this paragraph as to Defendant.  
23 Defendant lacks sufficient knowledge or information to form a belief about the  
24 remaining allegations in this paragraph, and on that basis denies them.

25       97. The allegations in this paragraph contains conclusions of law, to which  
26 no response is required. To the extent a response is required, Defendant denies she is  
27 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,  
28 or any of the relief sought thereon.

1       98. Defendant denies the allegations incorporated into this paragraph to the  
2 extent they are denied elsewhere herein. Defendant denies any allegation not  
3 specifically admitted.

4       99. The allegations in this paragraph contains conclusions of law, to which  
5 no response is required.

6       100. The allegations in this paragraph contains conclusions of law, to which  
7 no response is required.

8       101. Defendant denies the allegations in this paragraph pertaining to  
9 Defendant. Defendant lacks sufficient knowledge or information to form a belief  
10 about the remaining allegations in this paragraph, and on that basis denies them.

11       102. Defendant lacks sufficient knowledge or information to form a belief  
12 about the remaining allegations in this paragraph, and on that basis denies them.

13       103. Defendant denies the allegations in this paragraph pertaining to  
14 Defendant. Defendant lacks sufficient knowledge or information to form a belief  
15 about the remaining allegations in this paragraph, and on that basis denies them.

16       104. Defendant denies the allegations in this paragraph pertaining to  
17 Defendant. Defendant lacks sufficient knowledge or information to form a belief  
18 about the remaining allegations in this paragraph, and on that basis denies them.

19       105. Defendant denies the allegations in this paragraph pertaining to  
20 Defendant. Defendant lacks sufficient knowledge or information to form a belief  
21 about the remaining allegations in this paragraph, and on that basis denies them.

22       106. The allegations in this paragraph contains conclusions of law, to which  
23 no response is required. To the extent a response is required, Defendant denies she is  
24 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,  
25 or any of the relief sought thereon.

26       107. Defendant denies the allegations incorporated into this paragraph to the  
27 extent they are denied elsewhere herein. Defendant denies any allegation not  
28 specifically admitted.

1       108. The allegations in this paragraph contains conclusions of law, to which  
2 no response is required.

3       109. Defendant lacks sufficient knowledge or information to form a belief  
4 about the remaining allegations in this paragraph, and on that basis denies them.

5       110. Defendant lacks sufficient knowledge or information to form a belief  
6 about the remaining allegations in this paragraph, and on that basis denies them.

7       111. Defendant lacks sufficient knowledge or information to form a belief  
8 about the remaining allegations in this paragraph, and on that basis denies them.

9       112. Defendant lacks sufficient knowledge or information to form a belief  
10 about the remaining allegations in this paragraph, and on that basis denies them.

11       113. The allegations in this paragraph contains conclusions of law, to which  
12 no response is required.

13       114. The allegations in this paragraph contains conclusions of law, to which  
14 no response is required. To the extent a response is required, Defendant denies she is  
15 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,  
16 or any of the relief sought thereon.

17       115. Defendant denies the allegations incorporated into this paragraph to the  
18 extent they are denied elsewhere herein. Defendant denies any allegation not  
19 specifically admitted.

20       116. The allegations in this paragraph contains conclusions of law, to which  
21 no response is required. To the extent a response is required, Defendant denies she is  
22 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,  
23 or any of the relief sought thereon.

24       117. The allegations in this paragraph contains conclusions of law, to which  
25 no response is required. To the extent a response is required, Defendant denies she is  
26 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,  
27 or any of the relief sought thereon.

28       118. The allegations in this paragraph contains conclusions of law, to which  
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1 no response is required. To the extent a response is required, Defendant denies she is  
2 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,  
3 or any of the relief sought thereon.

4       119. The allegations in this paragraph contains conclusions of law, to which  
5 no response is required. To the extent a response is required, Defendant denies she is  
6 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,  
7 or any of the relief sought thereon.

8       120. The allegations in this paragraph contains conclusions of law, to which  
9 no response is required. To the extent a response is required, Defendant denies she is  
10 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,  
11 or any of the relief sought thereon.

12       121. The allegations in this paragraph contains conclusions of law, to which  
13 no response is required. To the extent a response is required, Defendant denies she is  
14 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,  
15 or any of the relief sought thereon.

16       122. Defendant denies the allegations incorporated into this paragraph to the  
17 extent they are denied elsewhere herein. Defendant denies any allegation not  
18 specifically admitted.

19       123. The allegations in this paragraph contains conclusions of law, to which  
20 no response is required. To the extent a response is required, Defendant denies she is  
21 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,  
22 or any of the relief sought thereon.

23       124. The allegations in this paragraph contains conclusions of law, to which  
24 no response is required. To the extent a response is required, Defendant denies she is  
25 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,  
26 or any of the relief sought thereon.

27       125. The allegations in this paragraph contains conclusions of law, to which  
28 no response is required. To the extent a response is required, Defendant denies she is

1 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,  
2 or any of the relief sought thereon.

3       126. The allegations in this paragraph contains conclusions of law, to which  
4 no response is required. To the extent a response is required, Defendant denies she is  
5 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,  
6 or any of the relief sought thereon.

7       127. The allegations in this paragraph contains conclusions of law, to which  
8 no response is required. To the extent a response is required, Defendant denies she is  
9 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,  
10 or any of the relief sought thereon.

11       128. The allegations in this paragraph contains conclusions of law, to which  
12 no response is required. To the extent a response is required, Defendant denies she is  
13 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,  
14 or any of the relief sought thereon.

15       129. The allegations in this paragraph contains conclusions of law, to which  
16 no response is required. To the extent a response is required, Defendant denies she is  
17 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,  
18 or any of the relief sought thereon.

19       130. The allegations in this paragraph contains conclusions of law, to which  
20 no response is required. To the extent a response is required, Defendant denies she is  
21 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,  
22 or any of the relief sought thereon.

23       131. Defendant denies the allegations incorporated into this paragraph to the  
24 extent they are denied elsewhere herein. Defendant denies any allegation not  
25 specifically admitted.

26       132. Defendant lacks sufficient knowledge or information to form a belief  
27 about the remaining allegations in this paragraph, and on that basis denies them.

28       133. Defendant lacks sufficient knowledge or information to form a belief

1 about the remaining allegations in this paragraph, and on that basis denies them.

2       134. Defendant lacks sufficient knowledge or information to form a belief  
3 about the remaining allegations in this paragraph, and on that basis denies them.

4       135. Defendant lacks sufficient knowledge or information to form a belief  
5 about the remaining allegations in this paragraph, and on that basis denies them.

6       136. Defendant lacks sufficient knowledge or information to form a belief  
7 about the remaining allegations in this paragraph, and on that basis denies them.

8       137. Defendant denies the allegations incorporated into this paragraph to the  
9 extent they are denied elsewhere herein. Defendant denies any allegation not  
10 specifically admitted.

11       138. The allegations in this paragraph contains conclusions of law, to which  
12 no response is required.

13       139. The allegations in this paragraph contains conclusions of law, to which  
14 no response is required.

15       140. The allegations in this paragraph contains conclusions of law, to which  
16 no response is required. To the extent a response is required, Defendant denies she is  
17 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,  
18 or any of the relief sought thereon.

19       141. The allegations in this paragraph contains conclusions of law, to which  
20 no response is required. To the extent a response is required, Defendant denies she is  
21 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,  
22 or any of the relief sought thereon.

23       142. The allegations in this paragraph contains conclusions of law, to which  
24 no response is required. To the extent a response is required, Defendant denies she is  
25 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,  
26 or any of the relief sought thereon.

27       143. The allegations in this paragraph contains conclusions of law, to which  
28 no response is required. To the extent a response is required, Defendant denies she is  
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1 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,  
2 or any of the relief sought thereon.

3       144. The allegations in this paragraph contains conclusions of law, to which  
4 no response is required. To the extent a response is required, Defendant denies she is  
5 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,  
6 or any of the relief sought thereon.

7       145. Defendant denies the allegations incorporated into this paragraph to the  
8 extent they are denied elsewhere herein. Defendant denies any allegation not  
9 specifically admitted.

10      146. The allegations in this paragraph contains conclusions of law, to which  
11 no response is required.

12      147. The allegations in this paragraph contains conclusions of law, to which  
13 no response is required. To the extent a response is required, Defendant denies she is  
14 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,  
15 or any of the relief sought thereon.

16      148. Defendant lacks sufficient knowledge or information to form a belief  
17 about the remaining allegations in this paragraph, and on that basis denies them.

18      149. The allegations in this paragraph contains conclusions of law, to which  
19 no response is required. To the extent a response is required, Defendant denies she is  
20 liable to Plaintiff for any of the claims or causes of action asserted in the Complaint,  
21 or any of the relief sought thereon.

22      150. To the extent a response is required, Defendant denies she is liable to  
23 Plaintiff for any of the claims or causes of action asserted in the Complaint, or any  
24 of the relief sought thereon.

25      151. To the extent a response is required, Defendant denies she is liable to  
26 Plaintiff for any of the claims or causes of action asserted in the Complaint, or any  
27 of the relief sought thereon.

28      152. The remaining paragraphs of the Complaint contain Plaintiff's

1 requested relief, to which no response is required. To the extent a response may be  
2 required, Defendants deny the allegations contained in the Complaint's remaining  
3 paragraphs and further deny Plaintiff is entitled to any relief from Defendant. Any  
4 allegation not specifically addressed is denied.

5

6 **AFFIRMATIVE DEFENSES**

7 Defendants assert the following affirmative defenses as separate and distinct  
8 defenses to the Complaint, and each and every cause of action thereof. Defendant  
9 does not concede that Defendant has the burden of production or proof as to any  
10 affirmative defenses set forth below. Further, Defendant does not presently know all  
11 of the facts concerning the conduct of Plaintiff sufficient to state all affirmative  
12 defenses at this time. Defendant is informed and believe that a reasonable  
13 opportunity for investigation and discovery will reveal facts in support of the  
14 following affirmative defenses.

15

**FIRST AFFIRMATIVE DEFENSE**

16 AS A SEPARATE DEFENSE Defendant is informed and believes neither the  
17 Complaint nor any cause of action in the Complaint states facts sufficient to constitute a  
18 cause of action against this appearing Defendant.

19

**SECOND AFFIRMATIVE DEFENSE**

20 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes the  
21 complaint and each cause of action contained therein are barred by the applicable statutes of  
22 limitation, including, but not limited to, sections 335.1, 338, and 343 of the Code of Civil  
23 Procedure.

24

**THIRD AFFIRMATIVE DEFENSE**

25 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes  
26 Plaintiff's alleged injuries and damages, if any, were aggravated by Plaintiff's failure to use  
27 reasonable diligence to mitigate them.  
28

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## **FOURTH AFFIRMATIVE DEFENSE**

AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes the Plaintiff has waived the right to maintain the actions filed in this case.

## **FIFTH AFFIRMATIVE DEFENSE**

AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes the Plaintiff and/or Decedent was guilty of comparative fault or negligence in the matters set forth in the complaint which proximately caused or contributed to the injuries or damages alleged in the complaint.

## SIXTH AFFIRMATIVE DEFENSE

AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes the codefendants, and each of them, named and unnamed in the Complaint, were guilty of negligence, or other acts or omissions related to the matters set forth in the complaint which proximately caused the injuries and damages alleged therein, if any, and the percentage of negligence attributable to each said defendant should be determined and allocated accordingly.

## **SEVENTH AFFIRMATIVE DEFENSE**

AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes the Plaintiff had knowledge of the risks and hazards inherent in the events and activities which took place at the times set forth in the complaint, as well as the magnitude of those risks and hazards, and thereafter knowingly and willingly assumed and accepted those risks and hazards.

## EIGHTH AFFIRMATIVE DEFENSE

AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes the Plaintiff is estopped by action of law or by conduct from maintaining the actions filed in this case.

## NINTH AFFIRMATIVE DEFENSE

AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes the Plaintiff has “unclean hands” with regard to the relief sought in the complaint and are therefore barred from obtaining such relief.

## **TENTH AFFIRMATIVE DEFENSE**

AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes Plaintiff's behavior at the time of injury constitutes willful misconduct, and Plaintiff is thus barred from seeking recovery based upon the asserted negligence of Defendant.

## **ELEVENTH AFFIRMATIVE DEFENSE**

AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes the actions filed in this case are not maintainable under the doctrine of laches because of Plaintiff's prejudicial delay in asserting them.

## TWELFTH AFFIRMATIVE DEFENSE

AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes Plaintiff's complaint fails to state the existence of a justiciable controversy between the parties.

## THIRTEENTH AFFIRMATIVE DEFENSE

AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes should loss, damages or detriment have occurred as alleged in Plaintiffs' complaint, then said loss, damage or detriment was actually and proximately caused or contributed to by the negligence or wrongful and/or careless action or omission to act and/or other tortious conduct of persons or entities other than this Defendant.

## FOURTEENTH AFFIRMATIVE DEFENSE

AS A FURTHER SEPARATE DEFENSE, Defendant is informed and believes that any action or omission to act on defendant's part, or any action or omission to act on the part

1 of any person or any entity for whose actions or omissions defendant is (or may be  
2 established to be) legally responsible, did not actually or proximately cause or contribute in  
3 any manner or to any degree, to any losses or damages for which recovery is sought by  
4 Plaintiff in the complaint.

5 **FIFTEENTH AFFIRMATIVE DEFENSE**

6 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes the  
7 acts or omissions to act, and/or other alleged tortious conduct of persons or entities other  
8 than this defendant, actually and proximately caused or contributed to Plaintiff's underlying  
9 losses and damages, if any. Accordingly, said actions or omissions to act constituted  
10 intervening and superseding causes of the losses or damages, if any, allegedly sustained by  
11 the underlying Plaintiff.

12 **SIXTEENTH AFFIRMATIVE DEFENSE**

13 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes  
14 Plaintiff's claims are barred due to Plaintiff's and/or Decedent's assumption of the risk,  
15 either express or implied, of her alleged injuries and damages.

16 **SEVENTEENTH AFFIRMATIVE DEFENSE**

17 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes that  
18 should it be found that defendant is in any manner legally responsible for damages sustained  
19 by Plaintiff in the underlying action, which defendant specifically denies, Defendant's  
20 liability for non-economic damages shall be severally only and not joint, such that this party  
21 shall be liable only for the amount of non-economic damages allocated to it in direct  
22 proportion to its percentage of fault.

23 **EIGHTEENTH AFFIRMATIVE DEFENSE**

24 AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes that  
25 Plaintiff is barred from recovery because defendant lacked actual or constructive notice of  
26 the allegedly dangerous conditions alleged by Plaintiff.

## NINETEENTH AFFIRMATIVE DEFENSE

AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes that if this Defendant is found to have been negligent or at fault in any manner, which is expressly denied, any negligence or fault could only be vicarious, secondary and passive, while the negligence of Plaintiff, and/or Decedent, and/or other defendants, and other third parties, would be active and primary.

## **TWENTIETH AFFIRMATIVE DEFENSE**

AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes the subject underlying incident was caused by unforeseeable criminal actions of third parties other than Defendant.

## **TWENTY-FIRST AFFIRMATIVE DEFENSE**

AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes at all relevant times Defendant relied on a good faith interpretation of law.

## **TWENTY-SECOND AFFIRMATIVE DEFENSE**

AS A FURTHER SEPARATE DEFENSE Defendant is informed and believes that Plaintiff was not deprived of life, liberty, property, or any other Constitution or statutory right through any act or omission of Defendant.

## **TWENTY-THIRD AFFIRMATIVE DEFENSE**

AS A FURTHER SEPARATE DEFENSE Defendant is informed and believe that hat the Complaint and each purported cause of action therein fails, since the Plaintiff does not describe claims against Defendant with sufficient particularity to enable Defendant to ascertain all of the defenses that may exist. Defendants, therefore, reserves the right to amend Defendant's answer and to assert additional defenses and/or supplement, alter, or change this answer upon completion of appropriate investigation and discovery concerning Plaintiff's claims once the precise nature of the claims made against Defendant is determined.

## **PRAAYER**

WHEREFORE, Defendant prays that Plaintiff takes nothing by way of the Complaint and that Defendant have judgment in Defendant's favor, for all costs of suit, attorneys' fees, on all special defenses, and for all other relief that the court may order or award in this case.

**DEMAND FOR JURY TRIAL**

Defendant hereby demands a jury trial on all claims and allegations asserted by Plaintiff in the Complaint.

DATED: December 6, 2024

Respectfully submitted,

## MESSNER REEVES LLP

/s/ Andrew Hollins

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Andrew Hollins

Ethan Reimers

Attorneys for Defendants BONNIE  
SAYERS and JANET BROWN

## **CERTIFICATE OF SERVICE**

I hereby certify that on December 6, 2024, I electronically filed the foregoing **ANSWER OF BONNIE SAYERS TO PLAINTIFF'S COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following on the attached service list:

I also certify the document and a copy of the Notice of Electronic Filing was served via on the following non-CM/ECF participants:

/s/ Sabrina Johnson  
Sabrina Johnson

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